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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAY 16 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
Toll Free Service Access Codes) CC Docket No. 95-155

OPPOSITION

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Sprint Communications Company, L.P. hereby respectfully submits its opposition to the Petition for Reconsideration filed on April 1, 1996 by Genesis Two, Inc. and Stop 888 Coalition in the above-captioned proceeding. As demonstrated below, Petitioners' request is contrary to the public interest and therefore should be denied.

I. INTRODUCTION.

The Petitioners have requested that the Commission reconsider its Report and Order released January 25, 1996 in this proceeding ("January 25 Order"). They stated (p. 2) that the January 25 Order "is nothing short of a disaster for existing commercial subscribers to and users of 800 toll free numbers," and complained (*id.*) that the order is flawed "because it did not mandate that RespOrgs notify their commercial 800 customers of their option of requesting replication for their 888 equivalent numbers." Petitioners therefore requested that the Commission:

- direct DSMI, the toll free database administrator, to halt the assignment of additional 888 numbers;
- reclaim those 888 numbers in working status for which replication was requested prior to March 15, 1996 but denied;
- require that non-replicated 888 commercial numbers be relocated to the 800 SAC by a date certain;

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- put the 888 SAC "on hold" until its need is "better justified;" and
- issue an order moving residential and paging customers who have 800 numbers to another SAC (e.g., the 500 SAC).

Petition, p. 17.

Although Petitioners have made sweeping assertions as to the harm 800 service subscribers and callers will or have experienced as a result of implementation of the 888 toll free SAC, these assertions are unsupported, and the requested relief is likely to inflict unreasonable harm on toll free service subscribers, callers, and providers. Therefore, the instant Petition for Reconsideration should be denied.

II. PETITIONERS HAVE FAILED TO SHOW THAT IMPLEMENTATION OF THE 888 TOLL FREE SAC HAS HARMED 800 SERVICE SUBSCRIBERS.

The instant petition apparently stems from the experience of Genesis Two, an 800 service subscriber, which described the difficulties it encountered in its attempts (ultimately successful (Petition, p. 9)) to protect its 800 number, 800-BLOSSOM. Sprint is not unsympathetic to Petitioners' frustration in this regard, and there no doubt were some commercial 800 service subscribers who were unsuccessful in their attempts to replicate their 800 vanity numbers.¹ However, the Petitioners have failed to make the kind of showing which might justify the drastic measures which they have requested: they did not identify any commercial

¹ Sprint, which made a good faith and reasonable effort to inform its business customers of their 888 reservation and replication options, is aware of only a very few instances in which a commercial 800 subscriber was unable to replicate its vanity number. In contrast, according to DSMI, approximately 380,000 888 numbers were successfully replicated and are in unavailable status.

subscribers who wanted but were unable to replicate their 800 numbers, did not attempt to quantify the total number of unsuccessful would-be replicators, did not attempt to estimate the financial harm to commercial 800 service subscribers (either individually or as a group) which resulted from a failure to replicate,² and did not provide any information at all which would demonstrate massive customer confusion about the new 888 toll free SAC.

Instead, the Petitioners' request for relief is based on several assumptions and allegations which are without legal or demonstrated factual basis. First, they have assumed that 800 numbers should be limited to commercial customers. They stated, for example, that IXCs have "squandered" 800 numbers by assigning millions of them to residential or paging customers or to customers who did not request them (p. 5). However, 800 numbers are a public resource; there is no law or regulation which forbids their assignment to non-business subscribers, and their use by non-business subscribers has arguably enhanced the value of toll free service generally by stimulating overall toll free calling and encouraging attractive service and pricing options. The mere fact that toll free service was initially offered only to commercial customers is no basis for restricting such service to this class of customers.

² If an 800 service subscriber is able to demonstrate financial harm because of alleged negligence on the part of its 800 service provider or resp org, such matter is better considered in a complaint proceeding rather than a petition for reconsideration of the January 25 Order.

Second, the Petitioners have alleged that introduction of the 888 toll free SAC has destroyed the "unique facet" of 800 service -- its widespread recognition among callers as a toll free code (p. 13). It is not clear to Sprint precisely what harm the Petitioners are alleging here. The fact that there are more toll free numbers available does not diminish the usefulness of toll free numbers already in use.

Third, the Petitioners have presented no information to support their allegation that there are millions of unused and unwanted 800 numbers which can be readily reclaimed. The record in this proceeding did not indicate that automatic assignment of 800 codes to customers who did not want them and who do not use them is a widespread or even on-going practice. Moreover, there is no evidence to suggest that reclaiming unwanted numbers will generate enough 800 numbers to satisfy demand for toll free codes.

Fourth, contrary to the Petitioners' claim, there is no evidence to suggest that consumers are "hopelessly confused" (p. 13) by the 888 toll free SAC, or that consumers are having difficulty understanding that they must dial 888 plus the 7-digit code to place certain toll free calls. Sprint and other common carriers, the Commission, and many toll free service subscribers have devoted considerable resources towards educating the public about the 888 SAC. While some 800 toll free service subscribers have no doubt received calls meant for the subscriber of the 888 analog (and vice versa), to Sprint's knowledge, this situation has not been a widespread problem for most toll free subscribers.

In short, the Petitioners have not shown that implementation of the 888 SAC has in any way harmed 800 service subscribers or consumers.

III. PETITIONERS' REQUESTED RELIEF WILL CAUSE UNACCEPTABLE TURMOIL, EXPENSE AND CONFUSION AMONG TOLL FREE SERVICE SUBSCRIBERS, PROVIDERS AND END USERS.

As noted above, Petitioners have requested that the Commission direct resp orgs to reclaim unused or underused 800 numbers from residential users, migrate all residential and paging 800 service subscribers to the 500 SAC, migrate existing 888 commercial subscribers to the 800 SAC, and cease assignment of 888 numbers. They have alleged that these steps can be accomplished "with minimal disruptions" (p. 18). This allegation is completely without support and it clearly has no merit. It is obvious as a matter of common sense that the relief recommended by the Petitioners will cause a high degree of turmoil, expense and confusion among toll free service subscribers, providers, and callers.

First of all, it is not at all clear that it is even possible to identify which numbers are "unused" or "underused." The record in this docket is full of examples of legitimate 800 service applications which may have little or no traffic volumes for any given month or even several consecutive months: subscribers who have seasonal telecommunications requirements; subscribers who maintain 800 numbers for emergency situations; subscribers who retain 800 numbers for future planned promotional activities, etc. Other business customers may have only a few minutes or

hours of calls a month over their 800 numbers. Nowhere do the Petitioners explain how their highly subjective use criteria can or should be applied.

Second, the Petitioners have asserted, without support, that "residential and paging subscribers who genuinely desire toll free numbers should not care whether they are placed in a non-800 SAC" (p. 18). However, these subscribers may also have a vested interest in their 800 numbers and may experience considerable dislocation and expense if they were required to switch to a new SAC (for example, the costs of printing up new business cards and stationery with the new paging number). Furthermore, migrating existing 800 subscribers to the 500 SAC (as recommended by the Petitioners) will cause far more confusion and dissatisfaction than the Petitioners have posited, since, among other reasons, the 500 SAC is not associated with toll free service.³ And, the Petitioners have not explained what steps should be taken once the new SAC is exhausted.

Third, there were over 676,000 888 numbers in use (working, reserved, etc. (not spare or unavailable) status) as of early May 1996. Subscribers have already invested resources in their 888 numbers, and it would be grossly unfair to force them to give up those numbers absent some offsetting public or private benefit. Although the Petitioners profess concern for toll free callers, they ignore the fact that callers to working 888 numbers will be

³ Numerous parties have described the practical, administrative, and policy difficulties associated with a "SAC-by-service" approach. See, e.g., Reply Comments filed by Sprint in this docket on November 20, 1995, pp. 7-9.

even more confused if those numbers are suddenly taken out of working status or otherwise changed. Extreme customer confusion is likely to result if, after considerable efforts by interested parties to educate callers about the new toll free code, 888 numbers are suddenly withdrawn.

Fourth, a cessation in the assignment of 888 numbers will inevitably prevent toll free service providers from meeting the needs of potential subscribers. Sprint and other service providers have been unable to satisfy customer demand under existing toll free number allocation limits.⁴ The Commission should not put the vaguely articulated concerns of the Petitioners before the undisputed business needs of other subscribers.

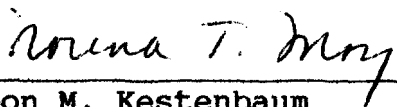
⁴ See, e.g., letter from Sprint, CompTel, and LDDS WorldCom to the Deputy Bureau Chief, Policy, Common Carrier Bureau, requesting that 888 allocation limits be lifted (April 25, 1996); letter from Eastern Telecom International Corp. requesting that allocated but unreserved toll free numbers be made available to other resp orgs which need additional numbers (March 5, 1996).

IV. CONCLUSION.

The Petitioners have failed to show that they or the calling public have suffered any harm from the introduction and use of the 888 toll free SAC, or that their requested relief is either workable or in the public interest. The instant petition should accordingly be denied.

Respectfully submitted,

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May 16, 1996

CERTIFICATE OF SERVICE

I, Joan A. Hesler, hereby certify that on this 16th day of May, 1996, a true copy of the OPPOSITION OF SPRINT COMMUNICATIONS CO. L.P. was served first class mail, postage prepaid, or hand delivered, upon each of the parties listed below.


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